IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WA.No. 899 of 2007(E)

AGAINST THE JUDGEMENT IN WPC.33535/2006 Dated 28/02/2006
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APPELLANT: RESPONDENTS 1 & 2
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1. KARULAI KSHEEROLPADAKA SAHAKARANA SANGHAM LIMITED NO.F.1780, KARULAI P.O., MALAPPURAM, REPRESENTED BY ITS SECRETARY.

2. THE BOARD OF DIRECTORS, KARULAI KSHEEROLPADAKA SAHAKARANA SANGHAM LIMITED NO.F.1780, KARULAI P.O., MALAPPURAM, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS: PETITIONER & RESPONDENTS 3 & 4
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1. KOMALAVALLY NARAYANAN, W/O MOHANRAJ, CHITHRA NIVAS, ENATHY, MALAPPURAM DISTRICT.

2. THE DEPUTY DIRECTOR, DIARY DEVELOPMENT, MALAPPURAM.

3. THE SECRETARY TO GOVERNMENT, AGRICULTURE DIARY DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.P.P.JACOB
GOVERNMENT PLEADER SRI.BENNY GERVASIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

W.A. 899/2007

Dated this the 12th day of July, 2007

JUDGMENT

Radhakrishnan, J.

This appeal is preferred against the judgment of a learned Single Judge in W.P.(C).33535/2006 which was allowed by directing the Society to allow the petitioner to join duty and also to pay the salary and service benefits for the period during which the Society had kept her out of employment by not allowing her to join duty.

2. When the matter came up for hearing we were informed that the petitioner has now been placed under suspension and the disciplinary proceedings are being initiated in accordance with law. We note that this Court has passed an interim order on 3.4.2007 directing the Society to pay an amount of Rs.25,000/-. In such circumstances, further direction given by the learned Judge to pay salary and other benefits is vacated. Amount already paid on the basis of the direction of this

Court shall not be recovered and the judgment of the learned Judge is modified accordingly.

The appeal is allowed as above.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs

This appeal is preferred against the judgment of a learned Single Judge, the directions to reinstate the salary of the period from March 2006 to December 2006. Learned Counsel appearing for the appellants submitted that the learned Judge .. Counsel appearing for the Society submitted that there is no direction in Ext.P10 order ..... for the respondent, employee. When the matter came up for hearing, this Court has passed an interim order dated 3.4.2007 directing to pay an amount of Rs.25,000/-. In such circumstances, we are giving a direction to pay the entire salary for the period she was out of service. we are inclined to allow this appeal by setting aside the directions of the learned Judge. the entire salary ..... However, an amount of Rs.25,000/- directed to be paid on 3.4.2007

will not be recovered.

The appeal is allowed as above.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs